

06-181

CGB-CC-0720

OFFICE OF THE ATTORNEY GENERAL

P.O. Box 580

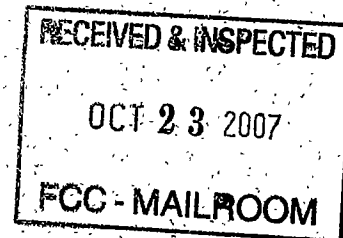
Okmulgee, Oklahoma 74447

Telephone: 918-295-9720

Facsimile: 918-756-2445

Roger Wiley
ATTORNEY GENERALShannon Cozzoni
Kevin Dellinger
Kasey McKenzie
Stephen Lee
Leslie Crowe

October 16, 2007

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12 Street SW
Washington, DC 20554

In re: *Closed Captioning and Video Description of Video Programming –
Implementation of Section 305 of the Telecommunications Act of 1996 – Video
Programming Accessibility*

**CGB-CC-0720 – Amended Petition for Exemption from Closed Captioning
Requirements Filed by Muscogee (Creek) Nation Communications
Department for the Programming *Native News Today***

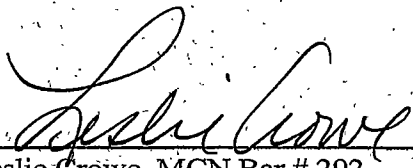
Dear Ms. Dortch,

Please accept this Amended Petition for exemption from Section 79.1 of the Commission's rules, implementing Section 713 of the Communications Act of 1934. Complying with the closed captioning requirements would impose an undue burden on the Muscogee (Creek) Nation Communications Department in the following manner:

I. Introduction

The Muscogee (Creek) Nation's Communications Department produces a weekly television program called *Native News Today*. The program is unique in that it targets a very limited audience consisting of Native Americans within the State of Oklahoma. Although the viewing audience is not large, the program is extremely beneficial in that it not only helps to keep the Native American culture alive, but it also informs viewers about various Tribal events going on throughout the state. The program features Native Americans who often speak in their native language. Thus in order to properly provide closed captioning for the program, a provider would have to be familiar with the languages spoken by all of Oklahoma's thirty-nine Indian tribes. Locating a closed captioning provider with knowledge of all of these languages has been unsuccessful and is likely impossible. If only English spoken words were transcribed, not only would the programming lose much of its value, but also much of the viewing audience may feel discriminated against due to deletion of their native language. For this reason, as well as the factors discussed below, compliance with closed

Respectfully submitted,

A handwritten signature in cursive script, reading "Leslie Crowe", positioned above a horizontal line.

Leslie Crowe, MCN Bar # 292

*Assistant Attorney General for the
Muscogee (Creek) Nation*

P.O. Box 580

Okmulgee, Oklahoma 74447


Telephone (918) 295-9720

Facsimile (918) 756-2445

CERTIFICATE OF SERVICE

I, Leslie Crowe, do hereby certify that, on October 16, 2007, a copy of the foregoing Amended Petition for Exemption from Closed Captioning Requirements, as filed with the Federal Communications Commission was served by first class U.S. mail, postage prepaid, upon the following:

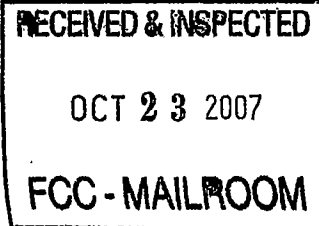
Paul O. Gagnier
Troy F. Tanner
Danielle C. Burt
Bingham McCutchen LLP
2020 K Street, N.W.
Washington, D.C. 20007



Leslie Crowe

STATE OF OKLAHOMA)
)
COUNTY OF OKMULGEE)

ss.



AFFIDAVIT OF JERRAD MOORE

I, Jerrad Moore, being of sound mind and lawful age, do hereby attest and state the following:

1. I am employed with the Muscogee (Creek) Nation Communications Department as the Producer of *Native News Today* and have been since December of 2006.
2. *Native News Today*, which targets Native American viewers, is produced and broadcasted only in the State of Oklahoma.
3. The program features Native Americans from Oklahoma's thirty-nine Indian tribes, who often speak in their native languages.
4. I have sought closed captioning providers and have been unable to ascertain any who speak or have familiarity with all of the languages spoken by Oklahoma's thirty-nine Indian tribes.
5. I have sought bids from a number of closed captioning providers who could transcribe the English portion of *Native News Today* and the least expensive provider would charge One Hundred and Fifty Dollars (\$150.00) per episode.
6. I have knowledge of the Muscogee (Creek) Nation Communications Department's budget as well as the funds allocated for the production and airing of *Native News Today*.
7. The funds necessary to cover the costs associated with closed captioning are not available within the Communications Department's budget.
8. The opportunity to sell advertising is extremely limited due to the nature of the programming and the limited targeted and actual viewers.
9. In addition to marketing advertising to outside sources in an attempt to raise the money to pay for closed captioning, I have researched available grants. Because the show is neither religious nor educational in nature, I have been unable to find any grants for which *Native News Today* would qualify.

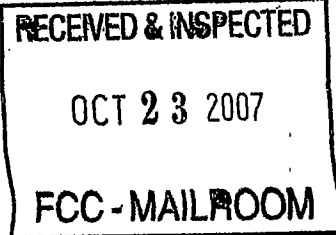
STATE OF OKLAHOMA)
)
COUNTY OF OKMULGEE) ss.

AFFIDAVIT OF JOSHUA SLANE

I, Joshua Slane, being of sound mind and lawful age, do hereby attest and state the following:

1. I am employed with the Muscogee (Creek) Nation Communications Department as the Mass Communications Assistant and the Producer of *Native News Today*.
2. *Native News Today*, which targets Native American viewers, is produced and broadcasted only in the State of Oklahoma.
3. The program features Native Americans from Oklahoma's thirty-nine Indian tribes, who often speak in their native languages.
4. I have sought closed captioning providers and have been unable to ascertain any who speak or have familiarity with all of the languages spoken by Oklahoma's thirty-nine Indian tribes.
5. I have sought bids from a number of closed captioning providers who could transcribe the English portion of *Native News Today* and the least expensive provider would charge One Hundred and Fifty Dollars (\$150.00) per episode.
6. I have knowledge of the Muscogee (Creek) Nation Communications Department's budget as well as the funds allocated for the production and airing of *Native News Today*.
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9. In addition to marketing advertising to outside sources in an attempt to raise the money to pay for closed captioning, I have researched available grants. Because the show is neither religious nor educational in nature, I have been unable to find any grants for which *Native News Today* would qualify.

STATE OF OKLAHOMA)
)
COUNTY OF OKMULGEE) ss.



AFFIDAVIT OF JERRAD MOORE

I, Jerrad Moore, being of sound mind and lawful age, do hereby attest and state the following:

1. I am employed with the Muscogee (Creek) Nation Communications Department as the Producer of *Native News Today* and have been since December of 2006.
2. *Native News Today*, which has been produced since March of 2007, targets Native American viewers and is produced and broadcasted only in the State of Oklahoma.
3. The program features Native Americans from Oklahoma's thirty-nine Indian tribes, who often speak in their native languages.
4. I have sought closed captioning providers and have been unable to ascertain any who speak or have familiarity with all of the languages spoken by Oklahoma's thirty-nine Indian tribes.
5. I have sought bids from a number of closed captioning providers who could transcribe the English portion of *Native News Today* and the least expensive provider would charge One Hundred and Fifty Dollars (\$150.00) per episode.
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CLOSED CAPTION MAKER

822 Guilford Avenue, #148 • Baltimore, MD 21202 • 1-800-527-0551
wGallant@CCmaker.com • www.CCmaker.com

Add Captions to Video

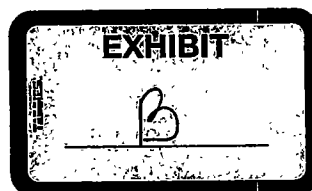
ADDrollupCC (post-production only, \$2,200 hardware/software)

ADDrollupCC integrates into your editing system and adds 'rollup' type line-21 closed-captions to the video you produce.

ADDrollupCC was designed to meet the closed-caption needs of a church, 30-minute infomercials, or in-house training videos and supports BetaSP and DVcam.

Major design consideration was 'ease of use'; there is **NO** user manual, all instruction are in a small email with on-screen commands.

Or, have us do the Closed-Captioning for you; see our website.





Native News Today

Saturday Afternoon News

March 31, 2007 – March 23, 2008

Days	Times	Programs	# Spots
Sat	1:30p	Paid Program 28:30 minutes	1x

March 31-June 24, 2007 \$400 per week 13 weeks = \$5200
June 30, 2007 – March 22, 2008 \$500 per week 39 weeks = \$19,500

52-Week Commitment: \$24,700

Agreed

Date

We are reducing the 1:30p program time to \$400 to work within Native News Today's current budget. On June 30, 2007, the 1:30p program time will return to \$500 per week throughout the remaining contract period. Program listing on the TV World/Guide submitted as soon as possible. Program length is 28 minutes 30 seconds and should be submitted on Beta SP to: **KQCW Traffic, 302 S. Frankfort, Tulsa, OK 74120, must receive program no later than Thursday NOON each week.** This contract may be cancelled with 30 days written notice. Contract is net, terms are in advance monthly.

Native News Today may upgrade their half hour during the contracted dates at a negotiated rate should a better time period become available.

April	\$2000	August	\$2000	December	\$2500
May	\$1600	October	\$2000	January 08	\$2000
June	\$1600	September	\$2500	February	\$2000

KQCW ■ 233 So. Detroit, Ste. 100 ■ Tulsa, OK 74120

Phone: 918-280-7400 ■ Fax: 918-835-2580

EXHIBIT

C



July \$2500

November \$2000

March

\$2000

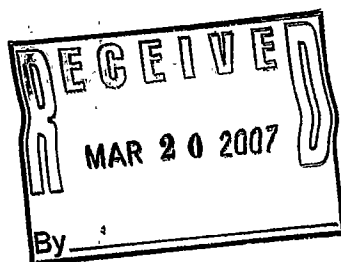
COPY

KQCW ■ 233 So. Detroit, Ste. 100 ■ Tulsa, OK 74120

Phone: 918-280-7400 ■ Fax: 918-835-2580

3/9/07

KQCW
233 So. Detroit, Suite 100
Tulsa, Ok 74120



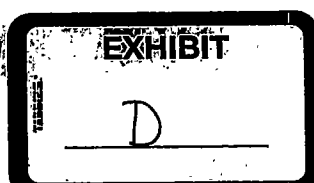
THE CW 12

Invoice

Principal Chief Muscogee Creek Nation	Billing Dates 3/31/07 - 8/25/07	Brand	Network KQCW-TV	Rev. Type CIA
	Contract Description Native News Today	Salesperson Nancy Ruth	Buyer: Gerald Wofford	Estimate #

Days	Time	Description	Total spots	Rate	Total
3/31-4/28	1:30p	30 Minute Program	5	\$400 per show	\$2,000
5/5-5/26	1:30p	30 Minute Program	4	\$400 per show	\$1,600
6/2-6/23	1:30p	30 Minute Program	4	\$400 per show	\$1,600
6/30-7/28	1:30p	30 Minute Program	5	\$500 per show	\$2,500
8/4-8/25	1:30p	30 Minute Program	4	\$500 per show	\$2,000
COPY					
Total Gross Billing					\$9,700
Please remit:		Upon Receipt	Your Total:		\$9,700

TULSA



MUSCOGEE CREEK NATION
DBA CREEK NATION CASINO-MUSCOGEE
OPERATIONS ACCOUNT
P.O. BOX 1249
MUSKOGEE, OK 74402-1249
(918) 683-1825

BANK OF OKLAHOMA N.A.
MUSKOGEE, OKLAHOMA
86-3-1039

2/5/2007

PAY TO THE
ORDER OF

Creek Nation Communications Dept.

COPY

\$ **1,050.00

One Thousand Fifty and 00/100*****

DOLLARS

Creek Nation Communications Dept.

COPY

TWO SIGNATURES REQUIRED

MEMO

Native News Program

Christi Nings
Tanell Kaanku

⑈ 213933⑈ ⑆ 103900036⑆ 008725831⑈

Details on back
FD
Security Features Included

MUSCOGEE CREEK NATION DBA CREEK NATION CASINO-MUSCOGEE

Creek Nation Communications Dept.
17020 - Advertising (Radio/TV)

2/5/2007

213933

1,050.00

Operating (2)

Native News Program

1,050.00



MUSCOGEE CREEK NATION

P.O. Box 580
OKMULGEE, OK 74447

COPY

015359

2.21 20 07

RECEIVED OF

Communications- Jessica

Four hundred sixty nine and 11/100

Program Income

DOLLARS \$ 469.00

DETAIL	ACCOUNT	NOTE	HOW PAID
AMOUNT DUE			CASH
AMOUNT PAID		469 00	CHECK <input checked="" type="checkbox"/>
			DRAFT
BALANCE DUE			MONEY ORDER

By Crystal Wegley

Thank You

COPY

EXHIBIT

F



MUSCOGEE (CREEK) NATION
DIVISION OF HEALTH ADMINISTRATION

PURCHASE ORDER

P.O. NUMBER:

007937

VENDOR:

MCN COMM DEPT
P.O. BOX 580
OKMULGEE, OK 74447

SEND INVOICE TO:

MUSCOGEE (CREEK) NATION HEALTH SYSTEM
FINANCE DEPARTMENT
P. O. BOX 2428
OKMULGEE, OK 74447
(918) 755-3334 x272

VENDOR NUMBER:

DATE:

PSLR NUMBER:

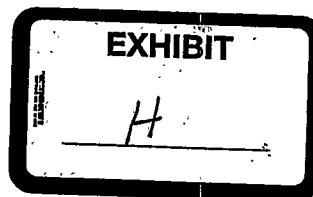
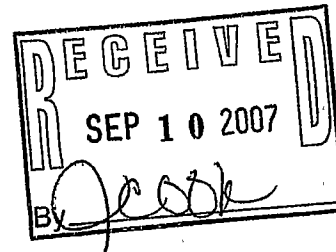
FOB:

V02520R1

8/17/2007

Destination - Prepaid

QUANTITY	UNIT	DESCRIPTION	UNIT PRICE	EXTENDED PRICE
2.00	EA	EXERCISE VIDEOS- TAPING, EDITING, COPYING	500.00	1,000.00



*****Ship to Address Shown Below

800 FOREST AVE
EUFAULA, OK 74432

Purchase Order Total:

\$1,000.00

Your purchase order number must appear on all Invoices, Packing Lists, Bills of Lading, Correspondence or any other documentation regarding this transaction.

AUTHORIZATION			
PURCHASE AGENT: <i>Clemma Luelles</i>	DATE: 8-17-07	ORDER RECEIVED BY:	DATE:

DISTRIBUTION: Original - Vendor 2) - Finance 3) - Requester 4) - Receiving 5) - Purchasing 6) - Property and Supply